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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/574,406	05/19/2000	Daniel H. Greene	D/A0041	7909

7590 04/06/2006

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EXAMINER

LAROSE, COLIN M

ART UNIT PAPER NUMBER

2624

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/574,406

Applicant(s)

GREENE ET AL.

Examiner

Colin M. LaRose

Art Unit

2624

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 March 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: 2-6, 8, 13-17 and 19.

Claim(s) rejected: 1, 7, 9-12, 18 and 20.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☐ Other: _____.

**VIKRAM BALI
PRIMARY EXAMINER**

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's remarks make clear that the present invention is directed towards a method/system for improving the accuracy of OCR. The "event library" is utilized to help correct errors introduced by performing OCR on a document. In contrast, Visser's disclosure is directed to correcting misspelled words in a document. So whereas the present invention attempts to improve the accuracy of recognized characters regardless of whether the characters form correctly or incorrectly spelled words, Visser attempts to change misspelled words so that those words are spelled correctly.

It is clear that, when trying to faithfully reproduce a document via OCR, it is not desirable to correct misspellings therein. Such corrections would undermine the goal of achieving an exact replication of the contents of a document. Examiner agrees with the Applicant on this point.

However, the claim language does not make clear that this is the goal of the invention. Claim 1 merely calls for "a method for decoding image data for a hardcopy document," comprising the steps of recording, receiving, and rewriting. The rewriting step utilizes an event library to help rewrite the the candidate set of symbol data, wherein the event library identifies "likely failures encountered when the scanned * * * document is decoded."

This claim language does not make it clear that OCR errors are to be corrected, and that misspellings are precluded from being corrected. "Likely failures," broadly interpreted, could mean any "failures," or errors, encountered when the document is decoded, including spelling errors. When faithfully reproducing a document is the goal, it is not desirable to correct spelling errors encountered when decoding the document. However, when faithful reproduction is not the ultimate goal, it may be desirable to produce a document that is devoid of spelling mistakes. Since the claim does not preclude correcting spelling mistakes or establish what exactly is meant by "likely failures," the proposed combination of Lopresti and Visser is considered valid.

[Please note that on the Office Action Summary page of the Final Rejection, claims 1-7,9-12,18 and 20 were indicated as rejected. This was a typo and should have been claims 1,7,9-12,18 and 20.]